

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL GARNER,)	
Petitioner)	
)	
v.)	CIVIL ACTION NO. 05-30035-MAP
)	
MICHAEL THOMPSON,)	
Respondent)	

MEMORANDUM AND ORDER REGARDING MOTION FOR
CERTIFICATE OF APPEALABILITY
(Docket No. 23)

March 17, 2006

PONSOR, D.J.

On February 23, 2006, this court issued its Order entering judgment in favor of Respondent. The court concluded that the evidence against Petitioner was fully sufficient to demonstrate beyond a reasonable doubt that he was guilty of the crime asserted against him and that no conduct by Petitioner's attorney at trial constituted ineffective assistance of counsel.

Petitioner has now filed a Motion for a Certificate of Appealability. For the reasons set forth in the court's memorandum of February 23, 2006, amplified in detail during the court's oral comments immediately following argument, this motion is hereby DENIED. There simply has not been any substantial showing of any denial of a Constitutional right. Petitioner has not raised issues which are debateable among jurists of reason, in the sense that some other court could

conceivably resolve the issues presented by this petition in a manner different than I did on February 23, 2006. Unfortunately for Petitioner, his petition simply does not raise questions which deserve encouragement to proceed further on appeal.

Accordingly, the Motion for Certificate of Appealability is hereby DENIED. This case can now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge